



## TOWN OF BEAUX ARTS VILLAGE

### TOWN COUNCIL MINUTES

June 14, 2005  
Robinson

Mayor Lowry called the meeting to order at 7:30 pm.

**PRESENT:** Mayor Chuck Lowry, Councilmembers Betty Heckendorn, John Rose (arrived late), Tom Robinson, and Aaron Sharp.

**EXCUSED:** Councilmember Judee Wells.

**STAFF:** Clerk-Treasurer Sue Ann Spens, Town Marshal Kyle Branum.

**GUESTS:** Julia Morse, WABA, Greg Heiser, Jeff and Jane Leffingwell, John Chihak, David Dempster, Sylvia Hobbs, Wolf Dix.

**MINUTES:** Councilmember Heckendorn moved to approve the May 10, 2005 minutes as written. Councilmember Sharp seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

[Councilmember Rose arrived at 7:45pm.]

#### **CLERK'S REPORT:**

**FLOAT SWITCH PROBLEMS IN WATER TANK:** Clerk-Treasurer Spens reported that Water Department Supervisor Bob Durr notified her that the float switch has been repaired and the water tank returned to service as of May 21, 2005. It was the consensus of the Council that Clerk-Treasurer Spens ask Mr. Durr and Water/Street Superintendent Bill Beck to notify her when we have switched to Bellevue water so that residents can make any appropriate adjustments, e.g. stopping fluoride additives since Bellevue water already contains fluoride.

**2003-2004 AUDIT:** Clerk-Treasurer Spens reported that the audit for the period from January 1, 2003 through December 31, 2004 is underway and should be finished before the end of June. She commented that the exit conference typically includes at least the Mayor and all other members of the Council who wish to attend are invited. She added that the auditor would notify members of the Council of the date, time, and location of the conference so they can attend if they wish.

**GIFT POLICY:** Clerk-Treasurer Spens noted that the practice of giving gifts to recognize volunteer service is a long-standing tradition in the Village and helps to foster volunteerism, which in turn helps reduce some operating costs and added that Pat Mason with Municipal Research and Service Center suggested that the easiest way to address the issue is for the Town to have a gift policy and asked the Council if she should work with Town Attorney Stewart to draft one in resolution form. It was the consensus of the Council that she proceed.

**EAGLE-NEST NOTIFICATION:** Clerk-Treasurer Spens reported that she is continuing to work on this ordinance but was unable to complete it because of the time devoted to the bi-annual audit. She added that she plans to have it ready for Council review at the July Council meeting.

**STORM SEWER AS-BUILTS:** Clerk-Treasurer Spens asked if a member of the Council would be willing to work with Street/Water Superintendent Beck to make sure these important as-built drawings are completed by the end of summer. Councilmember Sharp offered to follow Mr. Beck's progress.

**TREASURER'S REPORT:** Councilmember Rose reported that he had reviewed and reconciled the Treasurers' Reports for the First Quarter of 2005 and found them to be satisfactory.

**WARRANTS:** Councilmember Heckendorn moved to approve the June 14, 2005 warrant list, including warrant numbers 6726 through 6751 in the amount of \$24,425.99. Councilmember Robinson seconded.  
Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

**MARSHAL'S REPORT:** Town Marshal Branum reported that Sylvia Hobbs has updated the Block Watch captains list and has it ready to go.

**WATER REPORT:** No report.

**EMERGENCY PREPAREDNESS:** Councilmember Robinson reported that Barb Graff, formerly the Emergency Preparedness contact for the City of Bellevue has moved to fill a similar position with the City of Seattle. He added that staff at Bellevue are well trained and up to speed.

**WABA REPORT:** Julia Morse reported that the Beach Clean Up went well. She added that she would be working on a Comprehensive Plan for the beach.

Ms. Morse concluded by reporting that WABA is no longer optimistic about reaching a settlement with the Solaros and will begin collecting the extra assessment for litigation in the near future.

**PUBLIC HEARING: SHORT PLAT #05-2 SUBMITTED BY HEISER HOMES:**  
Mayor Lowry opened the public hearing at 7:50pm. He then read the staff memo from CHS Engineers outlining Town Engineer Larry McAndrews' review of the project and Mr. McAndrews recommendation that the project be approved with the conditions listed in that memo.

Mayor Lowry then asked Mr. Heiser to comment on his proposal. Mr. Heiser stated that based on his work with Town Engineer McAndrews and Town Planner Mona Green as they reviewed his proposal, he feels confident the project complies with all applicable codes.

Mayor Lowry asked if there were any questions from the public. Sylvia Hobbs asked if the

lots would exit to 105<sup>th</sup> Ave SE or SE 28<sup>th</sup> Street. Mr. Heiser answered that the current plan is for both lots to use 105<sup>th</sup> Ave SE for ingress/egress.

David Dempster asked about the fence encroachments mentioned in the list of conditions for approval. Mayor Lowry answered that the current plan shows the fence at the northeast corner encroaches by about 6 inches into the subject lot. Mr. Dempster commented that he shares that fence corner and believes it is located properly.

Mr. Dempster also asked if Mr. Heiser plans any excavation in the vicinity of that property corner and stated that he is concerned that excavation too close to the property line could endanger his property because of the abrupt grade changes at the rockery between the two properties. Mr. Heiser answered that any work performed in the vicinity of property lines would be accomplished without damage to any other properties. Clerk-Treasurer Spens added that the State Building Code includes provisions that protect adjacent owners from damage due to design/construction of the project.

Councilmember Sharp asked Mr. Heiser his impressions of working with CHS Engineers. Mr. Heiser answered that he found them to be very helpful and professional, particularly Town Planner Mona Green.

Kyle Branum asked how the new homes would be oriented relative to the streets that border them. Mr. Heiser answered that both homes will probably face west to 105<sup>th</sup> Ave SE.

Councilmember Robinson expressed some concern about construction impacts, particularly damage to the streets in the vicinity of the proposal, and preservation of trees. Mr. Heiser noted that it is common among other jurisdictions to charge impact fees for larger projects to cover damage to roads or other infrastructure. He commented that most of the trees around the lot are on Town right-of-way so cannot be cut without Council permission.

Mayor Lowry asked if there were any further questions or comments from the public. As there were none, he closed the public hearing at 8:05pm.

MOTION: Councilmember Heckendorn moved to approve Short Plat No. 05-2 submitted by Heiser Homes subject to the six (6) conditions set forth in a memo from Larry McAndrews to the Town dated April 28, 2005. Councilmember Rose seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

**PUBLIC HEARING: PROPOSED ORDINANCE NO. 333 REVISING THE TOWN ZONING CODE:** Mayor Lowry opened the public hearing at 8:05pm and asked Sylvia Hobbs, as representative of the Planning Commission to outline the proposed changes to the current Zoning Code.

Sylvia Hobbs explained that, at the request of the Council, the Planning Commission studies various methods for addressing concerns about measuring maximum height and allowing certain landscape features in the setback areas. She commented that rather than reduce the maximum allowable height for structures the Planning Commission chose to eliminate the option for measuring maximum height from an average grade and replace it with a maximum

height of 30 feet at any point.

She further explained that fence heights were reduced from the previous maximum of 8 feet to a new maximum of 6 feet in side or rear setbacks and 4-1/2 feet in front setbacks to be consistent with neighboring communities. She added that property owners who want a fence taller than six feet would have to apply for a variance to construct a fence no taller than 8 feet.

Councilmember Heckendorn asked if Town Attorney Stewart had reviewed and approved the final language of this ordinance. Clerk-Treasurer Spens answered that she knew he had been working with Town Planner Green but didn't know if he had given final approval.

Mayor Lowry asked if there were any further questions or comments from the public. As there were none, he closed the public hearing at 8:16pm.

MOTION: Councilmember Heckendorn moved to pass Ordinance No. 333 setting forth the Town's Zoning Code subject to final approval of the Town Attorney. Councilmember Sharp seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

**REPORT FROM THE COTTAGE HOUSING COMMITTEE:** Councilmember Rose reminded those present that the Cottage Housing Committee, including Lynn Hall, John Chihak, Joann Bromberg and himself, was appointed by Mayor Lowry to study the feasibility of permitting limited development of cottage housing within Beaux Arts Village. He noted that the reasons for studying this type of housing include:

- creating opportunities for downsizing.
- creating housing options for smaller families.
- maintaining some diversity in housing prices in the Village.
- maintaining the Village's historical character as a site for smaller homes.
- providing an alternative to the current trend toward very large houses.
- making the Town's actions more consistent with growth management goals of our region and the state.

Councilmember Rose stated that after studying the various ways that other communities provide this type of housing and determined that the idea is a sound one that needs further study by the Planning Commission and Town Planner Mona Green to be incorporated into the Town Zoning Code. He explained that the committee anticipates there would be a limitation on the number of cottages to be constructed and that each cottage would be limited to 1,500 sq. ft. He added that the committee recommends maintaining current setback requirements between the cottage development and adjoining properties but allowing smaller setback distances between the cottages within a development.

Councilmember Rose commented that the intent is not for the cottages to be of cheap construction but rather that their smaller size and higher density on a lot would make them less expensive than regular single-family housing in the Village. He concluded by stating that the proposal does not require that this type of housing be built but creates the opportunity for such development provided a lot meets certain conditions.

John Chihak reiterated that this proposal is really just a first step toward allowing a new idea for housing beyond the single-family residences that Beaux Arts has allowed since incorporation. He added that the committee identified a few lots on which this type of housing could work but there would be no intent to force any property owner to develop this type of housing unless that was their desire.

David Dempster stated that his lot is too small to subdivide and asked if he could build a smaller house on the back portion of his current lot and leave the existing house as it is. Councilmember Rose answered that such a configuration would not be allowable under the current conditions outlined by the committee.

David Dempster asked about the impact of this denser housing on trees. John Chihak answered that the committee discussed that question at length and decided that the current trend of building super large homes on lots probably has a greater impact on trees than these smaller units would. He added that the smaller units could be sited to allow for more tree preservation.

Councilmember Sharp asked about the pricing element. Councilmember Rose answered that the committee looked at similar developments around the Eastside and found them to be of high quality with lots of amenities organized into smaller spaces making them less expensive than surrounding homes but not cheap in appearance.

Councilmember Robinson asked why the committee recommends a limit of four cottages total in the Village. Councilmember Rose answered that the committee wanted to keep the idea acceptable to the greatest number of residents until one or two developments are built. He noted that, once residents see how the cottages work on a real lot, the limits could be increased as appropriate.

MOTION: Councilmember Robinson moved to direct the Planning Commission to study the issue of cottage housing as outlined in the Cottage Housing Committee's report and hold public hearings, as needed, to develop the idea. Councilmember Sharp seconded.  
Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

**PROPOSED ORDINANCE NO. 334 AMENDING STORMWATER REGULATIONS:**

Clerk-Treasurer Spens explained that Ordinance No. 334 amends Ordinance No. 248 to adopt the Department of Ecology's current stormwater management manual and to set forth, in broad terms, the Town's plans for determining the make-up of our existing system and the upgrades needed to bring that system into compliance with the current manual. She added that this ordinance should satisfy our 2003-2004 Growth Management grant contract as the final deliverable due, which would allow us to collect the outstanding \$750 in grant funds that were awarded to us.

MOTION: Councilmember Robinson moved to pass Ordinance No. 334 adopting the Washington State Department of Ecology Stormwater Management Manual for Western Washington and amending Ordinance No. 248. Councilmember Rose seconded.  
Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

**BUILDING DEPARTMENT HOUSEKEEPING:** Mayor Lowry directed the Council's attention to the list of items compiled by Clerk-Treasurer Spens.

With regard to changes to the Town's Permit Conditions regarding keeping ROWs clear, repairing the damage of construction vehicles to streets, etc., it was the consensus of the Council that Clerk-Treasurer Spens determine how neighboring communities handle these issues and report to the Council for further discussion.

**PROPOSED RESOLUTION NO. 220 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CHS ENGINEERS:** Mayor Lowry asked the Council to table action on this resolution and explained that Yarrow Point plans to publish a Request for Proposals (RFP) to solicit parties interested in providing building-related services. He stated that, in light of recent experiences with CHS Engineers, he would like Beaux Arts to participate in this request as well to see if we can find a firm that will provide us with better service.

It was the consensus of the Council to table the proposed resolution and go forward with the RFP seeking firms interested in providing building-related services.

**MAYOR AND COUNCILMEMBER REPORTS:**

**TREES:** Mayor Lowry directed the Council's attention to a letter from Robin Stefan urging the Council to revisit the issue of a tree plan to manage our forest, establish a reforestation plan for Town property, encourage tree protection, and establish an approval process for large tree removal including specific replanting requirements on private property.

Wolf Dix commented that the forest feeling is an important attribute of Beaux Arts and that we should have a policy for replacing trees on public and private property. Mayor Lowry commented that the Council has reviewed this issue several times and concluded, based on public input, that the majority of residents oppose regulating trees on private property.

Councilmember Rose asked if the Zoning Code could be changed in some way to allow more tree preservation by relaxing some of the requirements of the code.

John Chihak suggested that property owners who feel strongly about preserving trees on private property be encouraged to pursue covenants on their own property to protect trees in perpetuity. He noted that The Nature Conservancy has downloadable forms on their website that concerned residents can use immediately to protect the trees on their lots.

Councilmember Robinson commented that the Town needs some means of conveying and emphasizing the importance of our urban forest to all of our residents rather than having protection provided on a lot-by-lot basis. Julia Morse added that the Town's trees help mitigate the impact of housing and contribute to the character of the Village.

Mayor Lowry asked if anyone knows how many lots have trees that sit within the allowable building envelope. Councilmember Rose wondered if some could identify 100 trees of significance to the Town because of to their size and/or location and notify the owners of the property on which these trees sit of the Town's concerns about preserving them.

Councilmember Heckendorn suggested adding a generic statement regarding the value we place on trees to the proposed ordinance and requiring sellers to notify potential buyers about the eagle nests in Town.

Councilmember Rose offered to form a group to study the tree issue and how best to educate the public on the value of our urban forest. Julia Morse offered to be part of this group.

**STREET WORK FOR 2005:** Councilmember Sharp reported that the crosswalk project is on hold until he can clarify if King County is responsible for any portion of resurfacing 104<sup>th</sup> Ave SE, since the Metro buses contribute to its deterioration. He also reported that he is working with Emerald Paving to review the condition of our roads and determine which roads need to be repaired this year. He added that the current cost estimate is \$15.50 per sq. ft. for simple overlays, more for extensive repairs.

**STREET SUPERINTENDENT DUTIES:** Councilmember Sharp reported that Street Superintendent Bill Beck will probably retire at the end of this year and asked for input from the Council for his replacement. He added that he would like to hire someone to do lesser tasks that don't require Mr. Beck's expertise, e.g. replacing the logo stickers on the new street signs. It was the consensus of the Council that Councilmember Sharp proceed to find someone at \$12 per hour and that Clerk-Treasurer Spens help develop an appropriate contract.

**JAIL AND BOOKING FEES:** Councilmember Rose asked if we know anything more about whether the Town will be charged for Jail Services. Mayor Lowry answered that we still have not received a definitive answer to our original question.

**WRIA-8 RESOLUTION:** Councilmember Heckendorn reported that the WRIA-8 Forum has prepared a proposed resolution for ratifying their Chinook Salmon Conservation Plan and has asked that cities complete this ratification as soon as possible. It was the consensus of the Council that Clerk-Treasurer Spens work with Councilmember Heckendorn to prepare a resolution for Council consideration in July.

**NEXT MEETING:** Clerk-Treasurer Spens reminded the Council that their next meeting is scheduled for July 12th and is scheduled to be held at Betty Heckendorn's house.

**ADJOURN:** Councilmember Heckendorn moved to adjourn the meeting at 10:05 pm. Councilmember Robinson seconded.  
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer